

REMARKS

1. The Official Action of July 3, 1995 and the Advisory Action of July 26, 1995 have been carefully studied. All what they were recommending under 35 USC 112 has been taken into account to amend the specification (a substitute specification is submitted), claims and drawings (a Fig. 9 is proposed as requested to show how to extend the support part length.

2 However, the applicant is afraid that the Examiner has judged under 35 USC 103 a little too fast the import of the affidavit filed on 6/16/95. As suggested The applicant would like to be able to claim a percentage of contact for the substantially elastic buffers. But that would be inapplicable to the present situation. The percentage of contact does depend not only on the capability of the buffer of flowing against contours but also on the clamping force intensity and on the space width between the teeth of the relief the buffers are applied against and more likely on other factors such as the shape of these teeth. We are not in chemistry. All what is sure is that with other clamps this percentage is always almost zero because the contact is only made along a line segment and that with a clamp according to the present invention, this percentage is very positive because the contact takes place following a surface (the Examiner is invited to look again at the photographs provided in support of the affidavit). The measure of a line segment is zero with respect to the one of a surface. But the contact surface may vary with the clamping force and chiefly with the shape of what is put under said substantially elastic buffers. So the applicant is sorry but no percentage may be claimed. All what can be claimed (and which is) is the fact that there is no more a risk of damaging the objects which are clamped as it has been explained in the affidavit. There is no risk at all of getting a damageable pressure peak with an assembler provided with substantially elastic buffers, unlike with all other clamps. If the Examiner sees another way of claiming, the applicant is ready to study it. But in the while, the Examiner is respectfully requested to reconsider and to scrutinize closely according to MPEP 716 (3) said affidavit which has been filed prior last final action. The present invention lies first in the use of substantially elastic buffers which are thick enough to act as compression springs.

Accordingly, as it was said in the paper filed on 07/12/95, in the present substitute specification "substantially elastic" is again used everywhere to describe the buffers as it was in the original specification. Correspondingly has been reinserted the advantageous characteristic of such buffers i.e. the ability of "conforming to difficult shapes" as it was written in the French priority patent application No. 90/02916, p. 5, lines 20-24; and in the original PCT application PCT/FR91/00190, p. 11, lines 14-20, ("Le premier avantage de l'invention réside dans le fait que le tampon, par son élasticité dans la masse et par la capacité de sa surface de contact à épouser les contours des surfaces de saisie des objets enserrés...", i.e. turned into English "the paramount advantage of the invention lies in the fact that said buffer owing to its intrinsic elasticity and by its contact face ability to conform to the outlines of the clamped objects..."). By dint of restructuring the patent application, this important characteristic had disappeared gradually from the specification

for no other reason than lightening some passages. The purpose of the present substitute specification is also to correct some spelling errors such as writing split instead of "splitted". to make the claims more consistent to each other.

3. The Examiner deludes himself when he considers that the pads disclosed by Thornton are ring buffers. He has just to take a look at Fig. 4 of Thornton to see (near No 112) that in fact such a pad is entering inside (is embedding itself in) the arm to which it is secured unlike a ring buffer which remains outside the arm to which it is secured by wrapping.

4. Apropos of the remark of the Examiner in the Advisory Action of 07/26/95 according to what in claims 1 and 2 "the contact face not necessarily being at a right angle to the support part" would be a new issue, it can be said that in the invention said contact face is not strictly at a right angle to the support part in most embodiments. It might be more or less flat, bowl-shaped, convex or be the top of a pile of slices (see the original specification p. 21, lines 24-27 and p.22, lines 7-13). That is why for the sake of simplification, the limitation "contact face being essentially at a right angle to the support part" has been suggested to be removed (the corresponding amendment of 07/12/95 was aimed to arrive at the PTO before a final action). To provide a better formal expression of what it is meant in the specification without raising a new issue, it is suggested in the present amendment to replace "essentially" by "approximately".

5. However the applicant has been surprised to read in the Advisory Action of 07/26/95 that in claim 12, "at least one movable arm" would be a new issue. This limitation had been introduced in claims 1 and 2 before the last Official action. That would mean that the examination of the 12 June 1995 amendment would have been done incompletely and that therefore the 3 July 1995 action would have been made final prematurely. A petition under 37 CFR 1.181 is to be filed by facsimile for the reconsideration and the withdrawal of the finality of this Official Action. And anyway, the possibility of having a fixed arm is included in the French priority patent application No. 90/02916, p. 4, lines 1-2, as well p. 11, lines 25-27, and in the original PCT application PCT/FR91/00190, p. 11, lines 13-14, as well p. 28, lines 14-17 ("Dans toutes les variantes de l'assembleur qui ont été décrites jusqu'ici, il est évidemment toujours possible de remplacer un desdits bras mobiles (2) par un bras fixe", i.e. turned into English "In all the embodiments of the invention which have been described up to now, it is of course possible to replace one of said movable arms 2 by a fixed one"). Also by dint of restructuring the patent application, this other possibility of the invention had disappeared gradually from the specification for no other reason than lightening some passages. Besides, in the original specification in English such a possibility is still considered p. 29, lines 18-19. So the Examiner is respectfully asked to waive the corresponding objection.

6. Regarding the possibility of turning a jaw around a beam which has not a circular section, if the Examiner has not fully understood the example of a stirrup forming a loop, it is perhaps because "stirrup" is a poor English translation of the French word "étrier" for use in mechanics. Maybe, craddle-stirrup would be more appropriate. Anyway, such a device is in its standard embodiment a U-shaped bolt with both ends threaded for receiving nuts so as to hold back a closing plate featuring two holes just in front of said ends with

slightly larger diameter. Less standard is when the bolt is shaped according another curve than a U. It is clear than an arm secured to such a device can be turned in more than one direction around a beam that this device is wrapping. As an attempt, the word "stirrup" has been replaced by "craddle-stirrup" in the suggested substitute specification. If the Examiner does not find the new word more matching than "stirrup" with the above description, he is respectfully invited to give the word he would use.

7. It seems that if the Examiner stands corrected in that the specification, as originally filed, does provide support for the possibility of making a support part by connecting end to end several beams, he would have liked to find in such a specification a reasoning why several beams connected together would function better than one beam or support part as taught by the references. However it is explained in such a specification p. 11, lines 26-33 and p. 12, lines 1-6, that the advantage of this making is to get the same maximum opening with several short beams than the one given by one large beam. In other words, several short beams connected end to end in a row by couplers can function exactly like than one large beam does, not better, but they can replace it. And that is advantageous in several respects. There is no need of wasting money, time and space at buying one large beam. One large beam is more expensive than short ones, difficult to be found and is taking more space to be kept in stock and in addition might be well not available on the market (not featured by the manufacturer for the above mentioned reasons). And however, the corresponding maximum opening might be wanted.

8. The Examiner says that reference Berna EPO 0080960 patent teaches providing a support part of a clamping device with multiple sets of movable arms. He is exaggerating: two sets at the most. And anyway, it does not clearly teach what is shown on Figs. 5, 6 and 7 of the present application, that is to say what is claimed in claims 4-6 of the present application. If 37 CFR 1.83 (a) is so important in the mind of the Examiner, i. e. if the drawings are so closely linked to the claims, he ought to waive his corresponding rejection of same claims or suggest another wording for them.

9. Regarding the clamps according to Ditto's patent, the applicant apologizes to the Examiner. These clamps are not offered for sale in shops wrapped under a hermetic plastic blister but only bare and tied up by small strips to a presentation cardboard (see this "packaging under the trademark "Evergreen Workbench" on photographs 2 and 4 of the color copy attached to the last filed affidavit). The miniature clamps according to the present invention are offered for sale in shops under blister and the applicant thought it was the rule without checking any more on his own Ditto clamp. But indeed this way of offering the Ditto clamps for sale in shop is an additional evidence than the caps 32 and 34 of Ditto must be stuck on their supporting rods. Otherwise they might be removed by handling during the shipping or during examination by potential customers and henceforth jaws and clamps might loosen (when jaws are not pressed against each other) from their cardboards and as a consequence be lost.

When the Examiner asserts that it would not be impossible to remove these caps from their support parts, that means that he considers that it does not matter whether these caps are damaged or destroyed by this kind of removal. If the bond

which has been used is strong enough, that might be very difficult, anyway time-consuming and risky for the cap condition. It is not at all to that kind of removal to what it is aimed at for the arms in claim 7 but on the contrary to an easy removal. Otherwise, it would not be user-friendly. That is why "easily" is suggested to be inserted before "removable" in such a claim. It is clear that Ditto has never aimed at that sort of removal, on the contrary.

Every ground of rejection has been responded to in accordance with 37 C.F.R. 1.111 and only amendments complying with 37 C.F.R. 1.116 (a) and (b) are submitted. Hence favorable reconsideration and allowance of amended claims 1-14 are petitioned with deference.

Respectfully submitted



Philippe Berna

Correspondence address: Mas Liotard - Les Brousses, F30410 Molières-sur-Cèze,
France (Voice: +33 90 85 90 81, fax: +33 90 85 90 81)